

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re JOSEPH CUNNINGHAM and RESA  
CUNNINGHAM,

Debtors.

FIRST AMERICAN TITLE INSURANCE  
COMPANY, INC., a California Corporation,

Plaintiff,

v.

JOSEPH CUNNINGHAM and RESA  
CUNNINGHAM,

Defendants.

Chapter 7

Case No. 10-BK-41037-SSC

Adv. No. 11-ap-00629-SSC

(Not for Publication- Electronic Docketing  
ONLY)

ORDER INCORPORATING  
MEMORANDUM DECISION DATED  
DECEMBER 5, 2012

Based upon this Court's Memorandum Decision dated December 5, 2012,  
which is incorporated herein by reference:

The Court concludes that the Plaintiff has satisfied its duty under Fed. Rs. Civ. P. 12(b)(6) and 9(b), and the relief requested by the Defendant must be denied. The Court will set a Rule 7016 scheduling conference through a separate order.

IT IS ORDERED that the Defendants' Motion to Dismiss is DENIED.

DATED this 5th day of December, 2012

Sarah Sharer Curley

Honorable Sarah Sharer Curley  
United States Bankruptcy Judge